

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

DONALD D. PAXSON,
Petitioner,

VS.

REBECCA TAMEZ, Warden,
FCI-Fort worth,
Respondent.

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CIVIL ACTION NO.4:11-CV-482-Y

ORDER ADOPTING
MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

In this action brought by petitioner Donald Paxson under 28 U.S.C. § 2241, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on July 19, 2011; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on August 4, 2011.

The Court, after **de novo** review, concludes that the Petitioner's objections must be overruled, and the petition for writ of habeas corpus under 28 U.S.C. § 2241 should be dismissed for lack of jurisdiction, for the reasons stated in the magistrate judge's findings and conclusions.¹

Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED.

¹Although subsequent to the filing of the magistrate judge's report, Paxson filed a motion for leave to amend and a motion for appointment of counsel, because nothing expressed in those motions would alter the Court's determination that this action must be dismissed because Paxson has not satisfied the § 2255 saving clause conditions in order to proceed under § 2241, the Court concludes such motions (doc. nos. 5 and 7) must be DENIED.

Donald Paxson's petition for writ of habeas corpus under 28 U.S.C. § 2241 is DISMISSED for lack of jurisdiction.

SIGNED August 22, 2011.


TERRY R. MEANS
UNITED STATES DISTRICT JUDGE